

Garden City



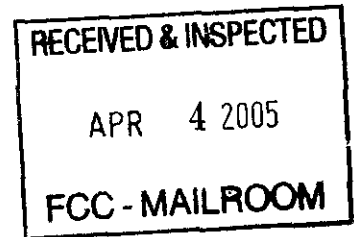
U.S.D. #457

Public Schools

Technology and Computer Services

March 31, 2005

Letter of Appeal
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743



To Whom It May Concern:

This appeal is being submitted as a Request for Review on behalf of the following entity:

Name: Garden City Unif Sch Dist 457

Billed Entity Number: 138168

Application numbers:

Form 471 Application number: 420437

Funding Request Number: 1158659

Submitted for the 2004 – 05 funding year.

Prediscount amount: \$71,196

CC Docket No. 02-6

The FCDL was dated April 27, 2004. I acknowledge that the original appeal to the SLD was filed outside of the 60 day window for appeals, however, there are extenuating circumstances that I believe applicable.

No. of Copies rec'd 0
List ABCDE

This application was originated in the application window (February 2004) as a pre-existing contract for a dark-fiber WAN that was installed July 2001. A form 471 was filed and a FCDL dated April 27, 2004 was received which denied funding due to "30% or more of this FRN includes a request for Dark Fiber which is an ineligible product(s)/service(s) based on program rules."

An appeal was not filed at this point, because based on the published program rules in effect on April 27, 2004 there were no grounds for appeal. The denial was enforcing the rules as they were written. An appeal at this point would have created unnecessary burden and paperwork on the SLD.

On November 16, 2004 I attended a seminar regarding e-rate changes for 2005 and was advised by a representative from an e-rate consulting firm that "schools who had pre-existing contracts for dark-fiber WANs were funded". I contacted the SLD and spoke with Jackie Creel, I was advised that indeed schools who had pre-existing contracts in place AND where the fiber had been "lit" prior to the updated eligible services list were being funded for the dark fiber WANs. This organization meets both those criteria. I inquired where I might have found this information and was told that it has not been published publicly at the SLD. I was advised to appeal with the SLD and then FCC if necessary.

This appeal has been filed promptly when it came to the attention of the applicant that this application has been incorrectly processed according to unpublished program guidelines.

The application for this service has been approved in prior funding years. If there are additional questions, please contact me at 620.276.5325.

Respectfully,



Steve Karlin

Director of Technology & Mediated Instruction

enclosures: Original Letter of Appeal to SLD (November 23, 2004)
USAC – Administrator's Decision on Appeal (February 23, 2005)

cc: Senator Sam Brownback
Senator Pat Roberts
Representative Jerry Moran

Garden City



Public Schools

U.S.D. #457

Technology and Computer Services

November 23, 2004

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This appeal is being submitted as a Request for Review on behalf of the following entity:
Name: Garden City Unif Sch Dist 457
Billed Entity Number: 138168

Application numbers:
Form 471 Application number: 420437
Funding Request Number: 1158659

Submitted for the 2004 – 05 funding year.
Prediscount amount: \$71,196
CC Docket No. 02-6

The FCDL was dated April 27, 2004. I acknowledge that this appeal is being filed outside of the 60 day window for appeals, however, there are extenuating circumstances that I believe applicable.

This application was originated in the application window as a pre-existing contract for a dark-fiber WAN that was installed July 2001. A form 471 was filed and a FCDL dated April 27, 2004 was received which denied funding due to "30% or more of this FRN includes a request for Dark Fiber which is an ineligible product(s)/service(s) based on program rules."

An appeal was not filed at this point, because based on the published program rules in effect on April 27, 2004 there were no grounds for appeal. The denial was enforcing the rules as they were written. An appeal at this point would have created unnecessary burden and paperwork on the SLD.

On November 16, 2004 I attended a seminar regarding e-rate changes for 2005 and was advised by a representative from an e-rate consulting firm that "schools who had pre-existing contracts for dark-fiber WANs were funded". I contacted the SLD and spoke with Jackie Creel, I was advised that indeed schools who had pre-existing contracts in place AND where the fiber had been "lit" prior to the updated eligible services list were being funded for the fiber WANs. I inquired where I might have found this information and was told that it has not been published publicly at the SLD. I was advised to appeal with the SLD and then FCC if necessary.

This appeal has been filed promptly when it came to the attention of the applicant that this application has been incorrectly processed according to unpublished program guidelines.

The application for this service has been approved in prior funding years. If there are additional questions, please contact me at 620.276.5325.

Respectfully,

A handwritten signature in black ink, appearing to read 'St. Karlin'.

Steve Karlin

Director of Technology & Mediated Instruction

cc: Senator Sam Brownback
Senator Pat Roberts
Representative Jerry Moran



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

February 23, 2005

Steve Karlin
Garden City Unified School District 457
1205 Fleming Street
Garden City, KS 67846-4751

Re: Applicant Name:	GARDEN CITY UNIF SCH DIST 457
Billed Entity Number:	138168
Form 471 Application Number:	420437
Funding Request Number(s):	1158659
Your Correspondence Dated:	November 23, 2004

The Schools and Libraries Division (SLD) received your request for a waiver of the 60 day deadline to file appeals for Funding Year 2004 of the Schools and Libraries Universal Service Support Mechanism (E-Rate).

Federal Communications Commission (FCC) rules do not permit the SLD to consider requests for waivers.

If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company